

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

MICHAEL BOWMAN, individually and on  
behalf of all others similarly situated,

Case No. 17-cv-11630-NGE

Plaintiff,

Hon. Nancy G. Edmunds

v.

Mag. R. Steven Whalen

ART VAN FURNITURE, INC., a Michigan  
corporation,

Defendant.

---

**DECLARATION OF LINDSEY MARQUEZ**

I, Lindsey Marquez, hereby declare and state as follows:

1. My name is Lindsey Marquez. I am over the age of twenty-one and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.
2. I am a Project Manager for Epiq Class Action & Mass Tort Solutions, Inc. ("Epiq"), an international settlement and claims administration company. I received my Master of Business Administration in 2018.
3. Epiq was established in 1968 as a client services and data processing company. Epiq has administered bankruptcies since 1985, settlements and judgments since 1993, including settlements and judgments of class actions, mass tort litigations, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation. Epiq has administered more than 1,000 settlements and judgments of complex cases. Epiq's class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment and implementation of notice-fulfillment services, coordination with the United States Postal Service ("USPS"), notice website development and maintenance, dedicated phone lines with recorded

information and/or live operators, receipt and processing of opt-outs, claims-database management, claim adjudication, funds management, and award calculations and distribution services. Epiq works with the settling parties, the Court, and the Class Members in a neutral facilitation role to implement settlement administration services based on the negotiated terms of a settlement.

4. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

## OVERVIEW

5. On July 23, 2018, the Court appointed Epiq as the Settlement Administrator in the Order Granting Preliminary Approval of Class Action Settlement (“Order”). In the Order, the Court certified the following Class, solely for the purposes of the Settlement Agreement: “All individuals and entities who were called by or on behalf of Art Van Furniture through the use of pre-recorded voice technology between May 23, 2013 and the date of entry of the Preliminary Approval Order.”

6. After the Court’s preliminary approval of the Settlement, Epiq began to perform all the duties of the Settlement Administrator as set forth in the Settlement Agreement and the Order, which include:

- (a) Obtain and maintain a database of the Settlement Class Members from Defendant Art Van furniture, Inc.
- (b) Perform reverse address lookup from phone numbers to obtain name and updated addresses.
- (c) print the Court-approved Notice to send to prospective Settlement Class Members;
- (d) mail the Summary Postcard Notice and Claim Packages by first-class mail to Settlement Class Members;

- (e) Email the Summary Email Notice to all Settlement Class Members with a valid email address.
- (f) obtain updated addresses, when possible, for Summary Postcard Notices and Claim Packages returned as undeliverable and remail Notices;
- (g) provide a post-office box to receive Claim Forms, Requests for Exclusion, Objections, and other communications;
- (h) receive, log, and process paper Claim Forms, Requests for Exclusion, Objections, and other communications from Settlement Class Members;
- (i) establish and maintain a toll-free number with a Voice Response Unit (“VRU”) automated message with information regarding the proposed Settlement;
- (j) establish and maintain a website with a claim filing module and information regarding the proposed Settlement;
- (k) Process Claim Forms, Request for Exclusion and Objections received by Epiq.

7. This declaration will detail the successful implementation of the Notice Program

and document the completion of the notice and administration activities to date. To date, the Notice Plan has been implemented as ordered by the Court, including dissemination of individual notice to known or potential Settlement Class Members via postal mail and email.

#### **INDIVIDUAL NOTICE**

8. Epiq received several data files from Art Van Furniture, Inc., which in total contained 49,051 records with affected phone numbers and 1,131,484 records with names and addresses. Epiq combined that data and removed duplicate records, which resulted in 1,178,077 total Settlement Class Member records (including those with invalid addresses). Art Van Furniture, Inc. also provided an additional business records file to Epiq with 3,235,100 records with names, addresses and email addresses of non-Settlement Class Members and Settlement Class Members for the purpose of allowing Epiq to cross reference the Settlement Class Member data with the business records file to identify valid email addresses for Settlement Class Members.

9. The Settlement Class Member records with phone numbers only were sent to PacificEast, a third-party vendor to perform “reverse look-ups.” The reverse look-up process was used to identify available associated physical addresses that may exists for each cell phone number.

10. Beginning on August 10, 2018, Epiq sent 429,436 Summary Email Notices to Settlement Class Members with a valid email address. The Summary Email Notice was created using an embedded html text format. This format provided easy to read text without graphics, tables, images and other elements that would increase the likelihood that the message could be blocked by Internet Service Providers (ISPs) and/or SPAM filters. Each Summary Email Notice was transmitted with a unique message identifier. If the receiving e-mail server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Summary Email Notice for which a bounce code was received indicating that the message was undeliverable, at least two additional attempts were made to deliver the Notice by email. The Summary Email Notice is included as **Attachment 1**.

11. On August 10, 2018, Epiq mailed 1,162,166 Summary Postcard Notice via United States Postal Service (“USPS”) first class mail to all individuals identified as prospective Settlement Class Members with a mailing address. Settlement Class Members with a valid email address and a valid mailing addressed were sent a Summary Email Notice and a Summary Postcard Notice. The Summary Postcard Notice is included as **Attachment 2**.

12. Additionally, a Claim Package (Long Form Notice and Claim Form) was mailed via USPS first class mail to all persons who requested one via the toll-free phone number until the Claim Deadline passed on September 26, 2018. As of October 9, 2018, 2,749 Claim packages have been mailed as a result of such requests. The Claim Package (Long Form Notice and Claim Form) are included as **Attachment 3**.

13. As of October 9, 2018, 130,779 emails remain undeliverable. As of October 9, 2018, the USPS has returned 103,751 Postcards to Epiq as undeliverable. Epiq undertook additional public record research, using a third-party lookup service (“ALLFIND”, maintained by LexisNexis). Epiq submitted these addresses for address research against the LexisNexis database and re-mailed to any updated addresses. As of October 9, 2018, Epiq has re-mailed 77,372 Postcards as a result of address research.

14. As of October 9, 2018, Epiq has emailed and mailed Notices to 1,167,769 unique Settlement Class Members, with notice to 86,600 unique, likely Settlement Class Members currently known to be undeliverable, which resulted in an approximately 92.6% deliverable rate to identified likely Settlement Class Members. Since the deliverable rate was more than 85%, no supplemental, online notice effort was needed.

#### **CLAIM FORMS, REQUESTS FOR EXCLUSION, AND OBJECTIONS RECEIVED**

15. Epiq established a post-office box to receive communications from potential Settlement Class Members at the following address: Michael Bowman v. Art Van Furniture Settlement Administrator, PO Box 3410, Portland, OR 97208-3410. The post-office box address was included in the Notice materials. Epiq has received and continues to receive mail at this post-office box, including Claim Forms, Requests for Exclusion, Objections, and correspondence.

16. As of October 9, 2018, Epiq has received 370 Requests for Exclusion. Of this total, 348 were complete and timely. The Exclusion Report for the 348 complete and timely exclusion requests is included as **Attachment 4**.

17. Objections to the Settlement were not filed with Epiq. However, Epiq has reviewed the Court Docket and as of October 9, 2018, is aware of three Objections to the Settlement.

18. As of October 9, 2018, Epiq has received a total of 32,667 Claims Forms (2,408 paper Claim Forms and 30,259 web claims). Epiq has reviewed the Claim Forms and determined that 31,471 are complete, 18 incomplete, which are in the process of being sent deficiency letters and 1,178 are duplicate or denied as result of being submitted late or from non-class members.

#### **CLASS ACTION INFORMATION CENTER AND TELEPHONE SUPPORT**

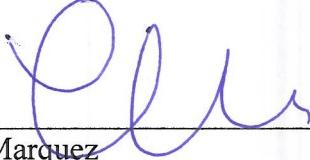
19. On August 1, 2018, Epiq established a Voice Response Unit (“VRU”) to provide information to Class Members and others seeking information about the proposed Settlement. The toll-free number reserved for this matter is 855-331-3602. The toll-free number was included in the notice materials.

20. Callers are connected with a recorded message that provides a brief description of the case as well as answers to frequently asked questions and an option to request mailing of a Claim Package. Class Counsel and Counsel for the Defendant approved all scripting utilized on this phone line.

21. As of October 9, 2018, the automated toll free line has received 6,996 calls representing 20,592 total minutes of use.

22. On August 1, 2018, Epiq launched a settlement website to inform class members about the settlement. The domain name for the settlement website is [www.AVFSettlement.com](http://www.AVFSettlement.com). The website contains a claim filing module where Settlement Class Members can submit a claim. It has a “Frequently Asked Questions” page that provides similar information as the Notices. The website also has a “Documents” page that allows Settlement Class Members to review, print, and download copies of case related documents, including the Claim Form, Long form Notice, the Order, Settlement Agreement, Complaint and Defendant’s Answer to the Complaint. As of October 9, 2018, the website has received a total of 342,365 visits and 74,714 sessions.

23. I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration was executed on October 9, 2018 in Beaverton, Oregon.



---

Lindsey Marquez  
Project Manager  
Epiq Class Action & Claims Solutions, Inc. ("Epiq")

# Attachment 1

## Marquez, Lindsey

---

**From:** mail@msgbsvc.com on behalf of Bowman v. Van Art Furniture <noreply@avfsettlement.com>  
**Sent:** Monday, August 6, 2018 9:20 AM  
**To:** Armin, Sabiha  
**Subject:** HTML Sample -- Notice of Class Action Settlement - Michael Bowman v. Art Van Furniture, LLC.

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Claim ID: URM8OBSTQ

### NOTICE OF CLASS ACTION SETTLEMENT

*Michael Bowman v. Art Van Furniture, Inc., Case No. 2:17-cv-11630-NGE-RSW (E.D. Michigan)*

#### **IF YOU RECEIVED A PRERECORDED PHONE CALL FROM ART VAN FURNITURE, YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

*For complete information, visit [www.avfsettlement.com](http://www.avfsettlement.com) or call 855-331-3602.  
Para ver este aviso en español, visite [www.avfsettlement.com](http://www.avfsettlement.com).*

*A Federal Court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.*

A Settlement has been reached in a class action lawsuit against Art Van Furniture, LLC (“Art Van”), *Michael Bowman v. Art Van Furniture, Inc.*, Case No. 2:17-cv-11630-NGE-RSW, pending in the U.S. District Court for the Eastern District of Michigan. The Court has preliminarily approved the Settlement, which could impact your legal rights, whether you act or not. This is only a summary of the Full Notice. Visit [www.avfsettlement.com](http://www.avfsettlement.com) to read the Full Notice, submit a Claim Form, and view important court dates and documents.

**Nature of the Action.** The lawsuit alleges that Art Van made prerecorded phone calls to telephones in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* The Settlement Class Representatives claim that Art Van made phone calls to telephone users who never provided consent. Art Van denies the allegations, denies that it violated any laws, and asserts several defenses. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

**Why Am I Receiving This Email?** Our records show that you may be a member of the “Settlement Class,” which includes all individuals and entities who were called by or on behalf of Art Van Furniture through the use of prerecorded voice technology between **May 23, 2013** and **July 23, 2018**.

**What Can I Get Out of the Settlement?** If you’re eligible and the Court approves the Settlement, you could receive a cash payment. Art Van has agreed to fund a Settlement Fund of \$5,875,000 U.S. dollars. The cost to send notice to the class and administer the Settlement, as well as any award of reasonable attorneys’ fees and expenses (no more than one-third of the Settlement Fund) and any Incentive Award of no more than \$5,000 to

the Class Representative, will come out of this amount. The amount remaining after deducting these amounts (the “Net Settlement Fund”) will be used to pay the claims of eligible Class Members who submit valid claims. Class members who file valid claims will be eligible to receive One (1) Unit from the Net Settlement Fund. If any money remains after these disbursements, it will be donated to a cy pres recipient approved by the Court.

**What Are My Options?** If you are a member of the Class as described above, your legal rights are affected and you have several options: **(1) Submit a Claim:** You may submit a Claim Form at [www.avfsettlement.com](http://www.avfsettlement.com) or download the form and submit it by mail, either way by no later than **September 26, 2018**. Include the Claim ID from the top of this email with your claim. The information you provide to the Settlement Administrator will be used only to administer the Settlement. **(2) Do Nothing:** You will not receive a payment but you will be bound by the Court’s Orders and Judgment and give up your right to sue Art Van and certain other persons and entities about the legal claims resolved by the Settlement. **(3) Exclude Yourself:** Keep the right to sue Art Van about the legal claims resolved by the Settlement, but **you will not receive payment** from this Settlement. To request exclusion, you must mail a signed statement that says “I wish to be excluded from the Settlement in *Michael Bowman v. Art Van Furniture, Inc.*, Case No. 2:17-cv-11630-NGE-RSW” to the Settlement Administrator, postmarked by **September 26, 2018**. Specific information is available at [www.avfsettlement.com](http://www.avfsettlement.com). **(4) Object/Request to Appear:** Write to the Court and say why you don’t like the Settlement and/or request permission to speak at the Final Approval Hearing by **September 26, 2018**. The Court will hold a Final Approval Hearing on **October 24, 2018** before the Honorable Nancy G. Edmunds in Courtroom 811, Theodore Levin U.S. Courthouse at 231 W. Lafayette Blvd., Detroit, Michigan 48226. The Court will consider whether the proposed Settlement is fair, reasonable, and adequate and whether to approve the attorneys’ fees and costs to Class Counsel and an Incentive Award to the Class Representative, and consider objections, if any. The motion for attorneys’ fees and costs will be posted on the website after it is filed.

**Who Represents Me?** The Court has appointed Steven Woodrow, Patrick H. Peluso, and Taylor Smith of Woodrow & Peluso, LLC and Stefan Coleman of the Law Offices of Stefan Coleman, PLLC to be the attorneys representing the Settlement Class. The attorneys are called “Class Counsel.” You may hire your own lawyer at your own expense.

**When Will the Court Approve the Settlement?** The Court will hold a Final Approval Hearing on **October 24, 2018** at **1:00 P.M.** at the Theodore Levin U.S. Courthouse at 231 W. Lafayette Blvd., Room 811, Detroit, Michigan 48226. The Court will hear objections, determine if the Settlement is fair, and consider Class Counsel’s request for fees and expenses and a service award to each of the Class Representatives. These requests will be posted on [www.avfsettlement.com](http://www.avfsettlement.com).

**How Do I Get More Information?** For more information about the proposed Settlement and a copy of the full Notice and Claim Form, go to [www.avfsettlement.com](http://www.avfsettlement.com), contact the Settlement Administrator at 855-331-3602 or

Michael Bowman v. Art Van Furniture Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410

or call Class Counsel at 720-213-0676.

This e-mail message was sent from a notification-only address that cannot accept incoming e-mail. Please do not reply to this message.

If you would prefer not to receive further messages from this sender, please [Click Here](#) and confirm your request.

## Attachment 2

Michael Bowman v. Art Van Furniture  
Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410



## Legal Notice

**ATTENTION! If You Received a Prerecorded Phone Call to Your Telephone from Art Van Furniture, Inc. from May 23, 2013, to July 23, 2018, You May Be Part of a Class Action Settlement.**

Learn More At: [www.avfsettlement.com](http://www.avfsettlement.com)

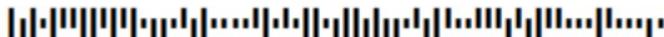
You are receiving this notice because you have been identified as a potential Settlement Class Member in *Michael Bowman v. Art Van Furniture, Inc.*, Case No. 2:17-cv-11630-NGE-RSW, pending in the U.S. District Court for the Eastern District of Michigan. The Court has preliminarily approved a settlement that could impact your legal rights, whether you act or not. This is only a summary of the full notice.

Visit [www.avfsettlement.com](http://www.avfsettlement.com) to read the Full Notice, submit a Claim Form, and view important court dates and documents.



747703761235

140  
95001



**TO SUBMIT A CLAIM FORM, VISIT: [www.avfsettlement.com](http://www.avfsettlement.com)**

**Nature of the Action.** This lawsuit alleges that Art Van made phone calls to telephones in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The Class Representative claims that Art Van made prerecorded phone calls to telephone users without consent. Art Van denies that it violated any laws and asserts numerous defenses. The Court has not determined who is right. Rather, you are receiving this legal notice because your rights may be impacted by the settlement.

**How Do I Know if I Am a Class Member?** You fall into the definition of the Settlement Class if you were called by or on behalf of Art Van Furniture through the use of prerecorded voice technology between May 23, 2013, and July 23, 2018.

**What Are My Options?** You may submit a Claim Form to be paid your share of the Net Settlement Fund (equal to the Settlement Fund of \$5,875,000 less all approved Settlement Administration Expenses, and any Incentive Awards and the Fee Award to Class Counsel). You can discuss the case with Class Counsel. You may also enter an appearance through an attorney if you so desire. You may also request to be excluded, and the Court will exclude any member who timely requests exclusion. To request exclusion, you must mail a signed statement that says "I wish to be excluded from *Michael Bowman v. Art Van Furniture*, Case No. 2:17-cv-11630-NGE-RSW" to the Settlement Administrator, postmarked by **September 26, 2018**. Specific information is available at [www.avfsettlement.com](http://www.avfsettlement.com). If you do nothing, you will be in the Class and you will also be bound by all orders and judgments of the Court entered under Rule 23(c)(3). If you request exclusion, you will not be able to participate in the settlement.

**Who Represents Me?** The Court has appointed Steven L. Woodrow, Patrick Peluso, and Taylor Smith of Woodrow & Peluso, LLC and Stefan Coleman from the Law Offices of Stefan Coleman, P.A. to be the attorneys for the Class. These attorneys are referred to as Class Counsel. You may hire your own lawyer at your own expense.

**How Do I Get More Information?** For more information about the proposed settlement and a copy of the Full Notice and Claim Form, go to **[www.avfsettlement.com](http://www.avfsettlement.com)**, contact the Administrator by phone at 855-331-3602 or by mail at Michael Bowman v. Art Van Furniture Settlement Administrator, PO Box 3410, Portland, OR 97208-3410 or call Class Counsel at 720-213-0676.

**To request exclusion**, submit your signed statement that says "I wish to be excluded from *Michael Bowman v. Art Van Furniture, Inc.*, Case No. 2:17-cv-11630-NGE-RSW" to: Michael Bowman v. Art Van Furniture Settlement Administrator, PO Box 3410, Portland, OR 97208-3410. Your statement must be postmarked by **September 26, 2018**.

**Class Counsel:** Woodrow & Peluso, LLC, 3900 East Mexico Ave., Ste. 300, Denver, CO 80210, 720-213-0676, [swoodrow@woodrowpeluso.com](mailto:swoodrow@woodrowpeluso.com)

# Attachment 3

Michael Bowman v. Art Van Furniture  
Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410



\*747712597281\*  
000 0000001 00000000 0001 0007 00002 INS:

August 17, 2018

## **Art Van Furniture, LLC TCPA Settlement CLAIM FORM**

*Michael Bowman v. Art Van Furniture, Case No. 2:17-cv-11630-NGE-RSW*

Return this Claim Form to: Michael Bowman v. Art Van Furniture Settlement Administrator, PO Box 3410, Portland, OR 97208-3410. Questions, visit [www.avfsettlement.com](http://www.avfsettlement.com) or call 855-331-3602.

**DEADLINE: THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR POSTMARKED BY SEPTEMBER 26, 2018, BE FULLY COMPLETED, BE SIGNED UNDER OATH, AND MEET ALL CONDITIONS OF THE SETTLEMENT AGREEMENT.**

**Instructions:** If you received one or more phone calls on your phone from or on behalf of Art Van Furniture, LLC (“Art Van” or “Defendant”) through the use of prerecorded voice technology between May 23, 2013, and July 23, 2018, you may be entitled to a monetary payment if the Settlement is finally approved by the Court. If the Settlement is approved, each class member, whether or not he or she submits a claim, will release the Defendant and related entities, and all their officers, agents, employees, and those working with them and additional entities and individuals (see Settlement Agreement for full list) from any and all claims as a result of the making of the phone calls that are the subject of this litigation. Only the primary user or owner of the account upon which the phone calls at issue were received can submit this Claim Form. Only one claim per account holder is allowed, regardless of how many phone calls were received or how many phone numbers are included on the account.

Claimants who are part of this class will receive one (1) Award Unit from the Net Settlement Fund, which equals \$5,875,000 less all Settlement Administration Expenses and all approved Incentive Awards and Fee Awards, divided by the number of Valid Claim Forms. Award Units will be of equal value.

**YOU MUST SUBMIT THIS CLAIM FORM TO RECEIVE A SETTLEMENT PAYMENT.**

Please note that if you are a Class Member, the Class Member Verification section requires you to state, under penalty of perjury, that all information contained herein is true and correct.

Call Class Counsel at 720-213-0676 for further information.





\*747712597281\*

## YOUR CONTACT INFORMATION

First Name

MI

Last Name

Current Address (You must provide a street address. A P.O. box will not be accepted.)

City

State

ZIP Code

Telephone Number at the Time you Received a/the Phone Call(s)

 -  - 

Current Phone Number (Please provide a phone number where you can be reached if further information is required.)

 -  - 
or  check if same as above

Claim ID:

## Class Member Verification

By submitting this claim form, I declare under penalty of perjury that I am a member of the Class (defined as "all individuals and entities who were called by or on behalf of Art Van Furniture through the use of prerecorded voice technology between May 23, 2013, and July 23, 2018") and that the information provided herein is true and correct.

\*\*\*\*\*

Additional information regarding the Settlement can be found at [www.avfsettlement.com](http://www.avfsettlement.com).

The Settlement Administrator may audit any and all claims. **I declare under penalty of perjury that the foregoing is true and correct.**

Signature:

Date:  -  -   
MM DD YY

Print Name:

Your claim will be reviewed by the Settlement Administrator. If accepted, you will be mailed a check for your share of the Settlement based on the Unit for which you are eligible. Please be patient.

## CLAIM FORMS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 26, 2018 TO BE ELIGIBLE FOR PAYMENT. MAIL THIS CLAIM FORM TO:

Michael Bowman v. Art Van Furniture Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410

If you have questions, you may call the Settlement Administrator at 855-331-3602 or Class Counsel at 720-213-0676.



\*747712597281\*

## **UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT OF MICHIGAN**

### **If You Received a Prerecorded Phone Call on Your Telephone from Art Van Furniture, LLC (“Art Van”), You Could Get a Payment from a Class Action Settlement.**

*A Federal Court authorized this notice. This is not a solicitation from a lawyer.*

- A Settlement has been reached in an alleged class action lawsuit about whether Art Van made prerecorded phone calls to telephone users who did not consent to receive such phone calls. Art Van is referred to as the “Defendant.”
- Persons included in the Settlement who file Valid Claim Forms will be eligible to receive a payment from the Settlement Fund, which is \$5,875,000. The actual amount of the payments will be based on the number of Valid Claim Forms submitted, administrative costs, and any Incentive Award or attorneys’ fees and expenses approved by the Court.
- Please read this notice carefully. Your legal rights are affected whether you act or don’t act.

#### **YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
<b>OBJECT</b>	Write to the Court explaining why you don’t like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won’t get a share of the Settlement benefits but will give up your rights to sue the Defendant about the claims in this case.

These rights and options—and the deadlines to exercise them—are explained in this Notice.

#### **BASIC INFORMATION**

##### **1. Why was this Notice issued?**

A Court authorized this notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge Nancy G. Edmunds of the U.S. District Court for the Eastern District of Michigan is overseeing this case. The case is known as *Michael Bowman v. Art Van Furniture*, Case No. 2:17-cv-11630-NGE-RSW. Mr. Bowman, the person who sued, is called the Plaintiff/Class Representative. The Defendant is Art Van.

##### **2. What is a class action?**

In a class action, one or more named plaintiffs called Class Representatives (in this case, Michael Bowman) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the class.





\*747712597281\*

### **3. What is this lawsuit about?**

This lawsuit alleges that Art Van made prerecorded phone calls to telephones in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The Class Representative claims that Art Van made phone calls to telephone users who never provided consent. Art Van denies that it violated any law and has asserted several defenses.

The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

### **4. Why is there a Settlement?**

The Court has not decided whether the Plaintiff or the Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and class members will get compensation now rather than, if at all, years from now.

#### **WHO'S INCLUDED IN THE SETTLEMENT?**

### **5. How do I know if I am in the Settlement Class?**

You are a member of the Settlement Class if you were called by or on behalf of Art Van Furniture through the use of prerecorded voice technology between **May 23, 2013, and July 23, 2018**.

For the full definition of the Settlement Class, please see the Settlement Agreement, which is available by contacting the Settlement Administrator or Class Counsel or by clicking the "Settlement Agreement" link under the "Important Documents" tab on the Settlement Website, located at [www.avfsettlement.com](http://www.avfsettlement.com).

#### **THE SETTLEMENT BENEFITS**

### **6. What does the Settlement provide?**

Art Van has agreed to fund a Settlement Fund of \$5,875,000. The cost to send notice to the class and administer the Settlement, as well as attorneys' fees and payments to the Class Representative, will come out of this amount (*see Question 13*). The amount remaining after deducting these costs (the "Net Settlement Fund") will be used to pay the claims of eligible class members who submit valid claims.

Class members who file valid claims and who are part of this class, according to Art Van's records, will be eligible to receive One (1) Award Unit from the Net Settlement Fund.

### **7. How much will my payment be?**

If you are a member of the Class and the Court gives final approval to the Settlement, you may be entitled to receive a check for an amount equal to the value of One (1) Award Unit. The amount of your exact payment cannot be calculated at this time. Your payment will depend on the total number of valid claims that are filed, the cost of the Notice, and any Incentive Award to the Class Representative and award of attorneys' fees and expenses to Class Counsel.

You may only make one claim per telephone number, regardless of how many calls were received.

### **8. When will I get my payment?**

You should receive a check from the Settlement Administrator within 60 to 90 days after the Settlement has been finally approved and/or after any appeals have been resolved in favor of the Settlement. The hearing to consider the fairness of the Settlement is scheduled for **October 24, 2018**. All checks will expire and become void 90 days after they are issued.



\*747712597281\*

## **HOW TO GET BENEFITS**

## **9. How do I get benefits?**

If you are a class member and you want to participate in the Settlement, you must complete and submit a Claim Form, under penalty of perjury, by **September 26, 2018**. The Claim Form is included with this notice and can be found by calling, toll-free, 855-331-3602 or by contacting Class Counsel at 720-213-0676. The Claim Form can be submitted online at the Settlement Website or downloaded and submitted by mail. You can only make one claim per telephone number.

## **REMAINING IN THE SETTLEMENT**

#### **10. What am I giving up if I stay in the class?**

If the Settlement becomes final, you will give up your right to sue Art Van and the Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against Art Van are described in Section V of the Settlement Agreement. You will be “releasing” the Defendant and other entities and individuals as described in Section V of the Settlement Agreement. Unless you exclude yourself (*see* Questions 14 and 15), you are “releasing” the claims, regardless of whether you submit a Claim Form or not. The Settlement Agreement is available at [www.avfsettlement.com](http://www.avfsettlement.com).

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to Class Counsel listed in Questions 12 and 17 for free or you can talk to your own lawyer at your own expense if you have questions about what this means.

### **11. What happens if I do nothing at all?**

If you do nothing, you won't get any benefits from this Settlement. But, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendant and the Released Parties for the claims being resolved by this Settlement.

# **THE LAWYERS REPRESENTING YOU**

**12. Do I have a lawyer in the case?**

The Court has appointed Steven L. Woodrow, Patrick H. Peluso, and Taylor Smith of Woodrow & Peluso, LLC, and Stefan Coleman of the Law Offices of Stefan Coleman, PLLC to be the attorneys representing the Settlement Class. Steven L. Woodrow is called "Class Counsel." Class Counsel believes, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense. You may also enter an appearance through an attorney if you so desire.

### **13. How will the lawyers be paid?**

The Settlement Agreement allows Class Counsel to submit a petition for attorneys' fees of up to one-third of the Settlement Fund as fees and expenses for investigating the facts, litigating the case, and negotiating the Settlement in this matter. Class Counsel may seek, and the Court may award, less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Subject to approval by the Court, the Class Representative will receive \$5,000 from the Settlement Fund as an Incentive Award for his service in helping to litigate and settle this case.





\*747712597281\*

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### **14. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must send a letter (or request for exclusion) by mail stating that you want to be excluded from *Michael Bowman v. Art Van Furniture*, Case No. 2:17-cv-11630-NGE-RSW. Your letter or request for exclusion must also include your name, your address, the phone number that received the relevant telephone calls, and your signature. You must mail your exclusion request so that it is postmarked no later than **September 26, 2018** to:

Michael Bowman v. Art Van Furniture Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410

The Court will exclude from the class any class member who timely requests exclusion.

### **15. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Art Van and the Released Parties for the claims being resolved by this Settlement.

### **16. If I exclude myself, can I get anything from this Settlement?**

No. If you exclude yourself, do not submit a Claim Form to ask for benefits.

## OBJECTING TO THE SETTLEMENT

### **17. How do I object to the Settlement?**

If you're a class member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter stating that you object to the Settlement in *Michael Bowman v. Art Van Furniture*, Case No. 2:17-cv-11630-NGE-RSW, and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, your telephone number that received the telephone call(s) from or on behalf of Art Van Furniture, and your signature.

Class Counsel will file with the Court, and post on the Settlement Website under the "Important Documents" tab, its request for attorneys' fees two weeks prior to the objection deadline.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question 21), you must say so in your letter or brief. Mail the objection to these three places, postmarked no later than **September 26, 2018**:

Court	Class Counsel	Defense Counsel
The Honorable Nancy G. Edmunds c/o Clerk of the Court Theodore Levin U.S. Courthouse 231 W. Lafayette Blvd., Room 858 Detroit, MI 48226	Steven L. Woodrow, Esq. Class Counsel Woodrow & Peluso, LLC 3900 E. Mexico Ave. Ste. 300 Denver, CO 80210 720-213-0675	Martin W. Jaszcuk, Esq. Jaszcuk P.C. 311 S. Wacker Dr., Ste. 3200 Chicago, IL 60606 312-442-0509



\*747712597281\*

## **18. What's the difference between objecting and excluding myself from the Settlement?**

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## **THE COURT'S FINAL APPROVAL HEARING**

### **19. When and where will the Court decide whether to approve the Settlement?**

The Court will hold the Fairness Hearing at **1:00 P.M. on October 24, 2018** at the Theodore Levin U.S. Courthouse at 231 W. Lafayette Blvd., Room 811 Detroit, Michigan 48226. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for an award of attorneys' fees and expenses; and to consider the request for an Incentive Award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check with Class Counsel by calling 720-213-0676. If, however, you timely object to the Settlement and advise the Court that you intend to appear and speak at the Fairness Hearing, you will receive notice of any change in the date of such Fairness Hearing.

### **20. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

### **21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear in *Michael Bowman v. Art Van Furniture*, Case No. 2:17-cv-11630-NGE-RSW." It must include your name, address, telephone number, and signature, as well as the name and address of your lawyer, if one is appearing for you. Your Notice of Intent to Appear must be postmarked no later than **September 26, 2018**, and be sent to the addresses listed in Question 17. You must also state in your objection that you plan on appearing at the hearing.

## **GETTING MORE INFORMATION**

### **22. How do I get more information?**

This Notice summarizes the Settlement. More details are in the full Settlement Agreement. You can get a copy of the Settlement Agreement by writing the Settlement Administrator at:

Michael Bowman v. Art Van Furniture Settlement Administrator  
PO Box 3410  
Portland, OR 97208-3410

or by visiting [www.avfsettlement.com](http://www.avfsettlement.com). You can call the Settlement Administrator at 855-331-3602 or Class Counsel at 720-213-0676 if you have any questions. Before doing so, however, please read this full notice carefully.



# Attachment 4

**Michael Bowman v. Art Van Furniture, Inc.**  
**Case No. 2:17-cv-11630-NGE-RSW**  
**Request for Exclusion**

	Name
1	PAUL LARIVIERE
2	GERALD DAVIS
3	PHILLIP BOST
4	LISA LANNING
5	CAROLYN HARRISON
6	JULIE PLUGER
7	WAYNE KOWALSKI
8	JEFFREY ENGLISH
9	JILL MELTON
10	JAMES SKALNY
11	MELODY WOLLET
12	KATHLEEN BETKE
13	MELANIE PHIPPS
14	TOM CLOCK III
15	SUZANNE DEMARS
16	CAROLYN CHAVEZ
17	JANET OBENAUF
18	JEAN MARY DUPLISSIS
19	SILVIA ROJAS-ANADON
20	DUANE EDNA BAILEY
21	CLAIRE ANDRUS
22	MARY FRONCZAK
23	STEVEN SMITH
24	CAROL APRAHAMIAN
25	MARY ZACHOS
26	KAREN CALLAN
27	CHARLES KALBFELL
28	CAROLYN NIELSON
29	LEONARDO PERSICONE
30	SUSAN REINTGES
31	STEVEN GREGORY
32	JERRY LOVEJOY
33	JEAN WASSERMAN
34	SUE WHITE
35	ARLENE VECSEI
36	BEVERLY CARRIEL

	Name
37	MARY ANN HANLEY
38	AMY MAAT
39	KAREN WOLANIN
40	MARGARET WADLIN
41	VIRGINIA ESSER
42	CYNTHIA ACOSTA
43	HAZEL STEPHENSON
44	TRUDIE DEAN
45	BONNIE LAVELLE
46	ELIZABETH MAWHINNEY
47	JAMIE DAUCH
48	KIMBERLY BOYD
49	LOUISE BUDNICK
50	ANITRA CAPE
51	GREG ISAAC
52	THERESA BROWN
53	MARTHA SHINGLENECKER
54	DEBRA REAGAN
55	MARC LOPER
56	LINDA RATHBUN
57	STEPHEN KANISKI
58	DOROTHY OPPENHUISEN
59	BETTY HALL
60	RUTH HAESSLER
61	PAULINE BANASZEWSKI
62	RICHARD ALLPORT
63	LARRY SPRAUVE
64	JUDY GASPAR
65	FRANCES ANDERSON
66	KENNETH HOLCOMB
67	CAROLYN DIXON
68	NANCY OBERST
69	CONNIE BILA
70	CHERYL HARPER
71	ROBERT FLETCHER
72	KALA SNYDER
73	NANCIE ARMSTRONG
74	JANICE WYNNE
75	MARIANNE ABBOTT

	Name
76	DAVID DYBALSKI
77	SYLVIA KOSINSKI
78	CINDY KASBAUER
79	ANTOINETTE KLIMOWICZ
80	CAROLYN BOARD
81	QUANG TRAN
82	FRANCINE CAMPBELL
83	LAURA WELCH
84	FRANK SOSNOWSKI
85	ROGER CREMONT
86	NICHOLAS BENDA
87	SHARON STREB
88	DANIEL HICKEY
89	HELEN CEBULA
90	TERRI ALEXANDER
91	ELAINE GUIDI
92	JOYCE PERRY
93	MAURICE VERMEULEN
94	CHERYL SCHULDT
95	MARY ANN ALSIP
96	SHARON BRUCE
97	JUANITA BACON
98	HELEN LATIA
99	HARRY/MARY VEITH
100	CHRISTINE GABRIEL
101	ROBERT JONES
102	PRISCILLA KELLOGG
103	BRUCE JONES
104	SYBILLA KASE
105	SANDRA SMITH
106	DAVID FORD
107	HELEN GIBSON
108	JUDY KLIMCZAK
109	PATTI JEAN COOK
110	BARRY/LISA POTTER
111	JANICE BROOKS
112	JANET LAVALLEY
113	WILLARD SWITTER
114	MELVIN SUTTON
115	ELOISE OSBORN

	Name
116	DELORES HEIN
117	SHARON DEAN
118	RUTH BLEEKER
119	GORDON OBENAUF
120	AADIL ASMARO
121	HANEFREY MCFALLS
122	MOHAMMAD HAFIZ
123	ELIZABETH MAVCHOWICZ
124	EMILY WEIRICH
125	DAVID COLLEGROVE
126	TODD RIGGS
127	JERRY TESSMAN
128	LANA DOOLIN
129	CHARLENE LAMBARD
130	CAROL SANCTORUM
131	BETTY GAWENDA
132	GERALD WYETH
133	KAREN SESSION
134	MARTHA STUBBLEFIELD
135	JEANETTE ALLEN
136	MARSHALL LIPPSON
137	FRANK DE FRANCESCHI
138	JILL WEBB
139	MARILYN WARNER
140	RICKY SUMMERS
141	JANNES JOHNSON
142	NICHOLAS FLUCUS
143	JOE ANN BYERS
144	SUSAN/LARRY MATTOX
145	JACOBA SOTELO
146	SAM BLAGA
147	MAURA SEDGEMAN
148	IRENE PROSSER
149	LAURA EDWARDS
150	BRIAN TILLMAN
151	WINDELL BARTRAM
152	JOANN PIORKOWSKI
153	HENRY WALTERS
154	GEORGE MCCANN
155	MARY VANAUKEN

	Name
156	DORIS HUBBARD
157	JOAN OBYRNE
158	RONALD SEMAK
159	BARBARA WILSON
160	KATHERINE WILSHER
161	BRUCE FLORENCE
162	SAMUEL HAM
163	LINDA BERCH
164	SALLY FRAZHO
165	ELAINE HOSSLER
166	MARY FRITSCHER
167	ANGELA WISNIEWSKI
168	JOHN KUCZBORSKI
169	DORA MOSQUERA
170	ALENE WINTON
171	JIM-HOLLY PORTER
172	VARD THOMPSON
173	SHIRLEY DEHN
174	CAROL PLUMMER
175	WILLIAM BAGNASCO
176	ELLEN CRAWFORD
177	DENNIS MORSE
178	BEVERLY GARDINER
179	AL SADEK MAKKI
180	DOLORES BARNES
181	JERRY SHERMAN
182	STEVE DIXON
183	THEODORE ASKEW
184	ABDEL ELHALI
185	BERTHA ERICKSON
186	VICTORIA ELKINS
187	DOUGLAS COOK
188	JUNE RICE
189	GERALD FRANCIS FOY
190	LINDA ROTACH
191	SHARON HEIMAN
192	CLAUDIA POLMANTEER
193	ANITA RUSSELL
194	JOYCE BUSHA
195	MARY FITZGERALD

	Name
196	CHERYL CARRIER
197	SUE SCHMIEDICKE
198	GARY SERRELL
199	JANE SMITH
200	MARY CRAIN
201	LINDA CHATEL
202	WILLIAM H ALLEN
203	MARY WEBB
204	ROSANNE PRITCHETT
205	WILBUR LACEY
206	DOROTHY DEAN
207	DAN NOEL
208	BEREAN BAPTISTE CHURCH
209	INEZ BAYLE
210	MOHAMMED ALI
211	JOANN PENDO
212	SANDRA ERICKSON
213	CAROLINE JOHNSON
214	DIANA HOULIHAN
215	JUANITA THOMAS
216	ROSE NICKSON
217	DELMER PRIEST
218	JANICE FLINTON
219	ANTOINETTE A TOMCZAK
220	CECILIA SAYLOR
221	PERUMAL BOMMAIAHASAMY
222	BONNIE SCHRECK
223	WILLIAM BODLEY
224	THOMAS HARRIS
225	KENT RINTALA
226	SHARON WARNER
227	JOANNE SARTOR
228	CHRISTINE SHEPARD RELIABLE CAR
229	LENUS PATTERSON
230	LINDA GROSS
231	MADELEINE FITCH
232	EDITH HILDERBRANDT
233	SARAH HASTINGS

	Name
234	DANIEL GRIFFIN
235	MARY JOHNS
236	CHARLOTTE KINSEY
237	PADMASINI PERUMAL
238	CARLOS VIVEROS
239	RUTH HYATT
240	LINDA PERAINO
241	HUONG THE KHONG
242	JUDY LOVEJOY
243	CATHERINE STANKO
244	BARB HALLER
245	HARRY ANKENBAUER
246	ROBERT DUNKLEE
247	CORINNE WEBB
248	EVERETT KINGSBURY
249	PAT DESIDERI
250	JOETTA PENDLEY
251	CHERYL KELLER
252	GEORGETTE OLSON
253	LORRAINE FOURROUX
254	DAVID HILTON
255	DIANE MURPHY
256	BETH TUCKER
257	DONALD FRANCES DELOOF
258	CAROL WROBEL
259	BEATRICE COLES
260	RON VECSEI
261	DICK LINDBERG
262	LINDA WRIGHT
263	MARILYNN WOOD
264	KAREN RICHARDS
265	PHYLLIS KAVEN
266	VIVIAN PLUMMER
267	CALREAN RANKIN
268	JILL GROBBEL
269	TROY FOX
270	MARSHA JENEROU
271	JACQUELINE WIXSON
272	JACKIE MOODY

	Name
273	DIANNE SIVAK
274	CINDY FITZSIMMONS
275	LLOYD SMALE
276	SHEILA BONNER
277	JIM/JOANN DANN
278	GENEVIEVE SIYDYM
279	COLLEEN CAREY
280	LAURA CASS
281	MOHAMMAD AMIN
282	MARLENE WHEELER
283	JEAN HAFNER
284	EDWARD PEITSCH
285	JIMMY KRUEGER
286	HARRIET NEIL
287	RICHARD FALK
288	JOSEPHINE MARR
289	ANNE SHEERAN
290	SHIRLEY SIMONS
291	KAREN BEATTIE
292	LINDA COOK
293	RICHARD EVANS
294	CHERYL SULLIVAN
295	SALLY GOHEEN
296	VERLIE BELL
297	FLOYD HAWES
298	BEVERLY M NIELSEN
299	GLENDIA GRIFFIN
300	RITA NETTLETON
301	MARSHA GRIFFIN
302	TERRY THOMPSON
303	DENNIS COX
304	RETA BOST
305	BRENDA ELLIS
306	WANDA ROSE GOUGEON
307	MARIE KILLINBACK
308	DAVID PHILLIPS
309	LINDA REMICK
310	IRENE NETTLETON
311	IDA CLARK
312	RUSSEL STOWELL

	Name
313	DOROTHY BASHORE
314	LORETTA HOY
315	KAREN ELMY
316	JUDY LECOMPTÉ
317	ARLIE BLACK
318	WILLIAM DROOMER
319	JULIA JODOIN
320	DOROTHY WITTER
321	FAITH M SHAW
322	JANELLE BRADLEY
323	DONNA MIELK
324	WARREN HOEFT
325	JOEL DAVIDSON
326	CLAUDIA TENNY
327	BRIAN HERRON
328	CORY COOPER
329	BRIAN MONTGOMERY
330	MARY LOU APPLEBEE
331	JUDITH BENOIT
332	DONALD PHILLIPS
333	KEN ROESKE
334	LINDEEN SMITH
335	CAROL MAYKOWSKI
336	ALLISON KAPALA
337	MILES WEAVER
338	MARCIA MAYKOWSKI
339	LEONARD MULARSKI
340	RANDALL WILLIAMS
341	NASIA HERNANDEZ
342	BEVERLY MYTKO
343	ED SOBOTA
344	WAYNE TAYLOR
345	MARCIA POLANSKI
346	BEVERLY MEOLA
347	ALLA CLAEYS
348	DIANE WYFFELS